**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION.**

CRIMINAL APPLICATION No. 3457 of 2007

Gautam Chintamani Kamble. ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Sudatta Patil, Advocate for the Applicant.

Mr S. S. Pednekar, A.P.P. for the State.

**CORAM: V. C. DAGA,J.**

**DATED: 18TH OCT, 2007.**

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking anticipatory bail, under Section 438 of the Cr.P.C., in C.R. No.100 of 2007 registered with Juna Rajwada Police Station, District Kolhapur for the offence under Sections 384, 376, 366 and 420, of the I.P.C.

4. Here, I may mention that the observations made by learned Ad-hoc Additional Sessions Judge, Kolhapur in para 6 of the

order dated 3.9.2007, while rejecting application for bail. Para 8 of the said order reads as under:-

> 7. "Although it is true that there is contradiction in her two statements one before the police and another before the concerned medical officer who examined her but that cannot be a ground to release the accused on bail. It will not be out of place to point out here that her allegations specifically mention that the accused told her to be possessing her obscene photos and on the basis of those photos threatened her and exploited her sexually. It is under these circumstances that I feel thatthe investigation deserves to be done on this aspect. Submissions of the accused that he is innocent can also be verified by giving free hand to investigation. Hence summing up,I am inclined to reject the application."

5. Looking to the material available on record to connect the present applicant with the alleged offence and for the reasons recorded by the Ad-hoc Additional Sessions Judge, Kolhapur in its order dated 3.9.2007 in B.A.No.370 of 2007 which still hold gold, this is not a fit case to enlarge the applicant on anticipatory bail.

6. In the result, the present application stands rejected.

7. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

**(V.C. DAGA,J.)**